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enjoined to protect the interests of a claimant who had not been made a party thereto; but, in the principal case, it is apparent that any substantial right which the complainant could urge in support of his claim, would be available as a defense in the suit sought to be enjoined. Under such circumstances it is clear that equity has no jurisdiction. *Pond v. Harwood*, 139 N. Y. 111, 34 N. E. Rep. 768; *Erie R. R. v. Ramsey*, 45 N. Y. 637; *Hall v. Fisher*, 1 Barb. 53; *Ellsworth v. Cook*, 8 Paige 643; *Saxton v. Wyckoff*, 6 Paige 182.

ESTATES OF DECEDENTS—FUNERAL EXPENSES OF MARRIED WOMAN—LIABILITY OF SURVIVING HUSBAND.—The administrator of a deceased married woman was sued to recover a sum alleged to be due as part of her funeral expenses. The husband of the deceased was living at the time of her death. *Held*, that when a woman dies leaving a husband surviving, the husband is primarily liable and not the separate estate of the deceased for the payment of her funeral expenses. *Kenyon v. Brightwell* (1904), — Ga. —, 48 S. E. Rep. 124.

It was the duty of the surviving husband at common law to provide a funeral for his deceased wife in keeping with his social position, and he was liable to third persons incurring expenses for this purpose. *Jenkins v. Tucker*, 1 H. Bl. 90; *Bradshaw v. Beard*, 12 C. B. N. S. 344; *Ambrose v. Kerrison*, 10 C. B. 776. An interesting question has been raised in several of the states as to the effect of the legislation creating separate property rights in married women upon the liability of the surviving husband for the funeral expenses of his deceased wife. The decisions are not altogether in harmony on this point, but the weight of authority seems to be that the surviving husband remains primarily liable as at common law, the liability being based upon the duty of the husband to furnish necessities for the wife. *Brand's Exr's v. Brand*, 109 Ky. 326; *Smyley v. Reese*, 15 Ala. 90; *Staple's Appeal*, 52 Conn. 425. This liability is made in a few states to depend upon the solvency of the surviving husband. *Galloway v. McPherson*, 67 Mich. 546; *Scott's Estate*, 15 Pa. Co. Ct. 67. In other jurisdictions the statutory provisions for the payment of decedent's debts specifying funeral expenses have been construed to apply to the estates of deceased married women. *Buxton v. Barrett*, 14 R. I. 40; *McClellan v. Filson*, 44 Ohio St. 184; *Constantinides v. Walsh*, 146 Mass. 281. This case is of especial interest from the fact that it raises the question for the first time in the state of Georgia and also from the fact that while the statutory provisions for the payment of decedent's debts in Georgia are very similar to those in Massachusetts, Rhode Island and Ohio, they are construed differently.

EXECUTOR DE SON TORT—RIGHT TO EQUITABLE RELIEF.—Decedent's son was appointed administrator by a court lacking jurisdiction, and in good faith entered upon the administration of the estate. Against an action by the legal administrator for conversion of the property he interposed a cross bill in equity in which he sought to be credited for expenses, fees, etc. *Held*, that the cross bill must be dismissed. *Slate v. Henkle* (1904) — Ore. —, 78 Pac. Rep. 325.